

## Message Text

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ORIGIN ARA-20

INFO OCT-01 ADP-00 EB-11 L-03 H-03 AID-20 CIAE-00 COME-00

FRB-02 INR-10 NSAE-00 RSC-01 TRSE-00 XMB-07 OPIC-12

CIEP-02 OMB-01 SCEM-02 MC-02 SS-15 NSC-10 /122 R

DRAFTED BY ARA-LA/CCA:MJHOFFENBERG:LM

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P 202158Z JUL 73

FM SECSTATE WASHDC

TO AMEMBASSY CARACAS PRIORITY

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E.O. 11652: N/A

TAGS: MASS, ESTC, VE, CU, US

SUBJ: U.S. LEGISLATIVE PROVISIONS RELATED TO TRANSACTIONS  
WITH CUBA

1. THE FOLLOWING LEGISLATIVE PROVISIONS RELEVANT TO THE  
PRESENT VENEZUELAN SITUATION ARE FURNISHED FOR THE EMBASSY'S  
INFORMATION:

A. SECTION 620 (A) (3) OF THE FOREIGN ASSISTANCE ACT OF  
1961 AS AMENDED PROHIBITS THE USE OF FOREIGN ASSISTANCE  
FUNDS TO FURNISH ASSISTANCE TO COUNTRIES WHICH FAIL TO  
TAKE APPROPRIATE STEPS TO PREVENT SHIPS OR AIRCRAFT UNDER  
THEIR REGISTRY FROM TRANSPORTING ANY EQUIPMENT, MATERIAL,  
OR COMMODITIES TO OR FROM CUBA SO LONG AS CUBA IS GOVERNED  
BY THE CASTRO REGIME. THE LAW PROVIDES NO WAIVER OF THIS  
RESTRICTION.

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B. TITLE I OF THE MUTUAL DEFENSE ASSISTANCE CONTROL ACT

OF 1951 (BATTLE ACT) PROHIBITS U.S. MILITARY, FINANCIAL, OR ECONOMIC ASSISTANCE TO ANY COUNTRY WHICH PERMITS THE SHIPMENT OF VARIOUS STRATEGIC EXPORTS TO THE USSR OR COUNTRIES UNDER ITS DOMINATION (INCLUDING CUBA). WITH REGARD TO PETROLEUM PRODUCTS, THIS WOULD INCLUDE ONLY CERTAIN SPECIALIZED HYDRAULIC FLUIDS AND LUBRICANTS AND HIGH ENERGY LIQUID FUELS (BATTLE ACT ITEMS 1702 AND 1770). THE RESTRICTIONS OF THE BATTLE ACT CAN BE WAIVED IF THE

COUNTRY'S EXPORTS TO CUBA DO NOT INCLUDE ARMS, AMMUNITION, IMPLEMENTS OF WAR AND ATOMIC ENERGY MATERIALS, AND "UNUSUAL CIRCUMSTANCES INDICATE THAT THE CESSATION OF AID WOULD BE CLEARLY DETRIMENTAL TO THE SECURITY OF THE UNITED STATES."

2. NEITHER THE TRANSPORT OF PASSENGERS TO CUBA BY LAV, AVENSA, OR ANY OTHER VENEZUELAN FLAG CARRIER, NOR THE SALE OF CRUDE PETROLEUM TO CUBA WOULD INVOKE U.S. LEGISLATIVE PROVISIONS REQUIRING TERMINATION OF U.S. ASSISTANCE TO VENEZUELA. THE CURRENT LIST OF STRATEGIC MATERIALS FOR PURPOSES OF THE MUTUAL DEFENSE ASSISTANCE CONTROL LIST DATED DECEMBER 15, 1972, WAS DISTRIBUTED TO EMBASSIES BY THE DEPARTMENT'S A4028, DATED MAY 9, 1973.

3. FOR ITS PART, THE USG CONTINUES TO GIVE ITS FIRM SUPPORT TO THE OAS RESOLUTIONS CALLING FOR SANCTIONS AGAINST CUBA AND HOPES THAT GOV WILL NOT OPEN TRADE AND TRANSPORT LINKS WITH CUBA. RUSH

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